IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 3883 of 1999

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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CHAMPAKBHAI A PATEL - Petitioner(s)

Versus

GENERAL MANAGER TELEPHONE OFFICE & 2 - Respondent(s)

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Appearance :

MR RA PATEL for Petitioner(s) : 1,
MR KARTIKEY P RAWAL for Respondent(s) : 1 - 3.
MR SAMIR J DAVE for Respondent(s) : 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 13/01/2006

ORAL JUDGMENT

By way of this petition under Article 226 of the Constitution of India, the petitioner has prayed for an appropriate writ, order, or direction directing the respondents to issue fresh bill for Telephone No.82603 of Manipur Exchange of Godhra

Division of respondent department.

2. It appears from the record that the dispute is with regard to issuance of bills of different dates of 1.8.98, 1.10.98, 1.12.98, and 1.2.99 by the respondent authority for the telephone in question on the ground that they were highly excessive and beyond imagination of actual calls made by him. It also appears from the record that Special Civil Application No. 2131 of 1999 came to be preferred by the petitioner and the learned Single Judge of this Court [Coram: D.C. Shrivastav, J., as he then was] by order dated 6.4.1999 disposed of the aforesaid Special Civil Application with a direction that in case the petitioner submits a fresh and detailed representation highlighting his grievances to the accuracy of the impugned bills to the respondent No.2 Accounts Officer, Telecom Division, Godhra also indicating the payments made by him under protest on various dates within a period of one week from 6.4.1999 the said representation shall be decided by a speaking order after affording an opportunity of hearing to the petitioner within four weeks thereafter. It is the contention on behalf of the petitioner that though the petitioner has made a representation as per the said order no opportunity has been given and no decision has been taken till date.

3. Shri KP Raval, learned Additional Central Govt. Standing Counsel appearing for the respondents

is not in a position to satisfy this Court whether any decision is taken on such representation submitted by the petitioner or not. However, considering the averments in the affidavit-in-reply, the respondents are directed to consider the representation submitted by the petitioner and comply with the order passed by this Court dated 6.4.1999 in Special Civil Application No. 2131 of 1999 as early as possible and preferably within the period of eight weeks from the date of receipt of this order after giving opportunity of hearing to the petitioner and communicate outcome thereof to the petitioner, failing which strict view will be taken. Rule is made absolute to the above extent. Direct service is permitted.

[M.R. Shah, J.]

RMR.